

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0298/P1dn  
CTS:lmk&jld:rs

November 10, 2004

Sen. Erpenbach:

1. I have altered the definition of "telephone solicitor" to exclude only the organizations described in section 501 (c) (3) or (4) of the Internal Revenue Code. Unlike the organizations in section 501 (c) (3) of the Internal Revenue Code, section 501 (c) (4) organizations may engage in political campaigning activities, but only if those activities are "insubstantial." Is it your intent to exempt section 501 (c) (4) organizations from the "No Call" law?
2. I have used language suggested by David Ghilardi of DATCP to incorporate cellular service within the requirements of the law. This language defines residential and nonresidential customers to include residential and nonresidential commercial mobile service customers, respectively. As a result, any requirement applicable to a residential customer applies to a residential cellular customer, and any requirement that applies to a nonresidential customer applies to a nonresidential cellular customer. Is this correct?
3. Under this draft, telephone solicitors must honor verbal requests from both residential and nonresidential customers to not receive additional telephone solicitations. Is this your intent?
4. This bill restores the penalties to those that were vetoed from 2001 Wisconsin Act 16, i.e., \$100 to \$500 per violation, except for telephone solicitors, who face \$1,000 to \$10,000 per violation. Is this okay? Recall that this bill extends the definition of "telephone solicitor" to cover nonprofits that are not section 501 (c) (3) or (4) organizations.
5. The private cause of action in this bill is based on the federal provision. I have incorporated the federal law's 3-year limitation period and attorney fee provisions. If this is not your intent, please let me know.
6. The bill requires DATCP to reduce or waive a portion of an installment payment when the projected balance in the appropriation under s. 20.115 (8) (jm) exceeds projected expenditures by 15 percent. This is the same "trigger" contained in DATCP's rules. The bill also includes a provision exempting this account from the Joint Committee on Finance's authority under s. 13.101 (4) to transfer funds between accounts. Is this correct?

As it stands now, the reduction/waiver provision leaves it to DATCP to decide how and when to make a projection of revenues and expenditures from the appropriation, and when and to what extent to waive or reduce registration fees. If you wish, this provision could be revised to explicitly instruct DATCP to prepare in the middle of the fiscal year an estimate of projected revenues (based on collection of the full registration fee) and projected expenditures. In the event DATCP estimates a surplus of more than 15 percent, the bill could instruct DATCP to reduce or waive a portion of the fourth-quarter installment such that the projected year-end balance is no more than a 15 percent surplus. I would be happy to discuss other options with you as well.

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